

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

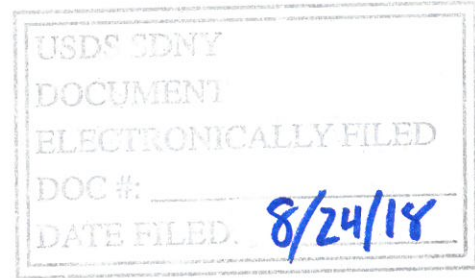
MICHAEL UNDERWOOD,

Plaintiff,

-v-

TAFSC HOUSING DEVELOPMENT
FUND CORPORATION, *et al.*,

Defendants.



No. 18-cv-6664 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiff instituted this action on July 25, 2018 against five defendants: (1) TAFSC Housing Development Fund Corporation (“TAFSC”), (2) The Third Avenue Family Service Center, Inc. (“Third Avenue”), (3) Linda Washington (the executive director of TAFSC), (4) the City of New York (the “City”), and (5) the New York State Homeless Housing and Assistance Corporation (“NYSHHAC”). (Doc. No. 1.) On August 17, 2018, the Court entered an order extending the deadline to answer or otherwise respond to the complaint for TAFSC, Third Avenue, and NYSHHAC – the defendants as to which certificates of service had been filed on the Court’s electronic docket. (Doc. No. 8.) On August 21, 2018, the Court received a letter from the City requesting an extension of its deadline to answer or otherwise respond to the complaint until October 5, 2018. (Doc. No. 10.) Plaintiff consented to an extension until September 6, 2018, but did not agree to extend the City’s deadline to October 5, 2018. (*Id.*) Accordingly, on August 22, 2018, the Court entered an order extending the City’s time to answer or otherwise respond to the complaint until September 6, 2018, and directing Plaintiff to explain why it did not consent to extend the deadline for all parties to answer or otherwise respond to the complaint until October 5, 2018. (Doc. No. 11.)

The Court is now in receipt of three filings. First, on August 22, 2018, the Court received a letter from Plaintiff indicating that he consents to extend the deadline for all Defendants to answer or otherwise respond to the complaint until October 5, 2018 on condition that the Court refer this case to the assigned Magistrate Judge, Judge Wang, for a settlement conference. (Doc. No. 12.) Second, on August 23, 2018, the Court received a letter from NYSHHAC opposing Plaintiff's request for a settlement conference. (Doc. No. 13.) Third, also on August 23, 2018, the Court received a pre-motion letter regarding NYSHHAC's contemplated motion to dismiss. (Doc. No. 14.)

In light of Plaintiff's consent to extend the deadline of all Defendants to answer or otherwise respond to the complaint until October 5, 2018, IT IS HEREBY ORDERED that the deadline for all Defendants to answer or otherwise respond to the complaint is adjourned to October 5, 2018. No further extensions will be granted absent truly compelling circumstances.

IT IS FURTHER ORDERED that the parties shall appear for an initial conference on October 26, 2018 at 10:30 a.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

IT IS FURTHER ORDERED THAT, by October 18, 2018, the parties shall jointly submit a letter, not to exceed five (5) pages, providing the following information in separate paragraphs:

- (1) A brief statement of the nature of the action and the principal defenses thereto;
- (2) A brief explanation of why jurisdiction and venue lie in this Court;
- (3) A brief description of all outstanding motions and/or outstanding requests to file motions;

- (4) A brief description of any discovery that has already taken place, and that which will be necessary for the parties to engage in meaningful settlement negotiations;
- (5) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
- (6) The estimated length of trial; and
- (7) Any other information that the parties believe may assist this Court in resolving this action.

IT IS FURTHER ORDERED THAT, by October 18, 2018, the parties shall submit to the Court a proposed case management plan and scheduling order. A template for the order is available at: <http://www.nysd.uscourts.gov/judge/Sullivan>.

The status letter and the proposed case management plan should be filed on ECF and emailed to my chambers at the following address: sullivanNYSDchambers@nysd.uscourts.gov. Please consult my Individual Rules with respect to communications with chambers and related matters.

Additionally, given Plaintiff's representations that Defendants "have terminated Plaintiff" from his employment "and may be seeking to evict him" and that "this case involves some complexities . . . which can be more easily and expeditiously resolved or narrowed with the help of a Magistrate Judge" (Doc. No. 12), and the substantial delay in this case that has come at Defendants' request, the Court agrees that referral to Magistrate Judge Wang for settlement purposes is warranted. IT IS FURTHER ORDERED that the parties shall contact Magistrate Judge Wang no later than August 29, 2018 regarding the scheduling of a settlement conference.

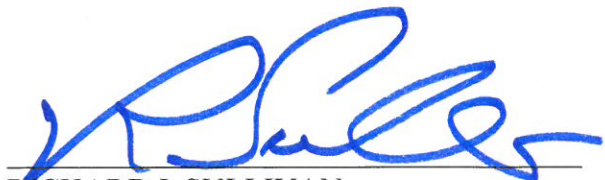
IT IS FURTHER ORDERED that, pursuant to the Court's Individual Rule 2.A, Plaintiff shall submit a response to NYSHHAC's pre-motion letter (Doc. No. 13), not to exceed three pages, no later than Tuesday, August 28, 2018. IT IS FURTHER ORDERED that the initial conference scheduled for October 26, 2018 shall also serve as a pre-motion conference to address NYSHHAC's contemplated motion.

As set out in this order, the deadline for all Defendants in this case to answer or otherwise respond to the complaint is October 5, 2018, though the Court notes that, by operation of the Court's Individual Rule 2.A, the deadline for NYSHHAC to answer the complaint is stayed through the date of the initial and pre-motion conference. Should any other Defendant seek to move to dismiss the complaint in this case, that party's pre-motion letter must be filed no later than the deadline to answer or otherwise respond to the complaint.

Plaintiff shall serve all Defendants that have not yet appeared in this case with a copy of this Order and file a certificate of service on ECF indicating that this service was effectuated. Those Defendants that have not yet appeared shall thereafter file a notice of appearance through ECF.

SO ORDERED.

Dated: August 23, 2018
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE